



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,124	11/07/2001	K. Umit YukseI	1577-164	4646

23117 7590 04/21/2004

NIXON & VANDERHYE, PC  
1100 N GLEBE ROAD  
8TH FLOOR  
ARLINGTON, VA 22201-4714

EXAMINER

WEBMAN, EDWARD J

ART UNIT PAPER NUMBER

1617

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

09/956124



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
--------------------	-------------	-----------------------	------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

3/21/08

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 12/9/03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

☒ Claim(s) 30-40 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
☐ Claim(s) \_\_\_\_\_ is/are allowed.  
☒ Claim(s) 30-40 is/are rejected.  
☐ Claim(s) \_\_\_\_\_ is/are objected to.  
☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

☒ Notice of Reference Cited, PTO-892  
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3/31/03  
☐ Interview Summary, PTO-413  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 1617

Applicant's election of Group I in Paper No. 12/19/03 is acknowledged.

Because applicant did not distinctly and specifically point out any errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nussinovitch.

Nussinovitch teaches biodegradable foams (abstract) by combining a solution of alginate calcium carbonate and a solution of citric acid (example 1 column 5).

Gelatin is specified as equivalent to alginate (column 3 line 47). Medicinal sponges are disclosed (column 1 line 14). Generation of carbon dioxide is specified (example 1 column 5).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nussinovitch in view of Wang and Fattman et al.

Nussinovitch is described above.

Wang teaches biodegradable foams comprising protein (abstract). Albumin and gelatin are disclosed as equivalent (column 3 line 50). Bicarbonate and citric acid are disclosed for generating carbon dioxide (column 5 lines 39-40).

Crosslinking with glut<sup>r</sup>aldehyde to provide rigidity is disclosed (column 6 line 61- column 7 line 15), <sup>^</sup>reinforcement with natural <sup>fibers</sup> ~~forces~~ is specified (column 6 lines 29-30).

Fattman teach a hydrocollid foam (title). Ammonium bicarbonate is disclosed as equivalent to calcium carbonate as a blowing agent (column 3 lines 36-48).

It would have been obvious to one of ordinary skill to add a glutaraldehyde as a crosslinker to the citric<sup>^</sup>acid solution of Nussinovitch to achieve the beneficial effect of achieving rigidity to the foam and to further add a natural fiber to provide reinforcement to the gelatin solution of Nussinovitch to achieve the beneficial effect of reinforcement in view of Wang. As to the claimed ammonium bicarbonate, Fattman et al teach it as equivalent to the calcium carbonate of Nussinovitch as a blowing agent. As to the claimed sterilization, such would be an obvious expedient for the medical sponges of Nussinovitch. As to the claimed kit, the two solutions of Nussinovitch constitute such.

No claims allowed.

The examiner requests any prior art supplied by the examiner or applicants in copending cases 09/983,537 and 09/570,600.

Any inquiry concerning this communication should be directed to Edward J. Webman at telephone number 571-272-0633.

EDW/JD J. WEBMAN  
PRIMARY EXAMINER  
GROUP 1500